IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1669 OF 2006
IN
ARBITRATION PETITION NO. 57 of 2004.

Jayprakash K.Pamnani & others. ... Applicants
versus
Arjandas Teckchand Kashyap & others. ... Petitioners.

Ms.Tasleem Saria i/by M/s.S.K.Srivastav & Co.for the Petitioners.

Shri A.L.Gore for the Applicants.

Shri D.V.Devkar, 1st Assistant to the Court Receiver and Shri Patel, Section Officer present.

CORAM : ABHAY S.OKA, J.

DATED : 24th August, 2007.

P.C.:

1. I have heard the learned Counsel appearing for the Applicants in support of the Chamber Summons. Heard the learned Counsel appearing for the Petitioners in the Arbitration Petition. I have also heard the representative of the Court Receiver. In terms of the order dated 26th July 2007, the Court Receiver has submitted a report dated 23rd August 2007. In paragraph 6 of the report, it is stated that Item Nos.2 to 7 listed therein were found in flat No.7A and 7B in addition to the Articles which are mentioned in the inventory taken on 13th December 2006. The prayer in this Chamber Summons is for permitting the Applicants to take away the articles lying in the aforesaid flats. Considering the facts and circumstances of the case, the

Chamber Summons deserves to be allowed subject to certain conditions. The conditions are required to be imposed for the reasons which are set out in paragraph 3 of the order dated 26th July 2007.

2. Hence the Chamber Summons is disposed of by the following order:

(i) The Applicants are allowed to take away the Articles listed in inventory dated 13th December 2006 made by the Court Receiver. In addition to the Articles forming part of the said inventory, it will be open for the Applicants to take away articles mentioned in paragraph 6 of the Report of the Court Receiver dated 23rd August 2007.

(ii) Only Applicant No.3 is permitted to take away the said articles for himself and on behalf of the other Applicants.

(iii) The assurance given by the learned Counsel appearing for the Applicants that the Applicants will not call any camera-man or photographer, or any media person to the site at the time of taking away the

articles is accepted.

(iv) Applicant No.3 will remain present at site at 3.00 p.m. on 3rd September 2007 or on such othr date and time as may be fixed by the Court Receiver for taking the aforesaid Articles. Before taking away the Articles, the 3rd Applicant will produce a valid receipt of discharge signed by all the Applicants. Along with the valid receipt of discharge, the 3rd Applicant will also hand over a deed of indemnity executed by the Applicants indemnifying the Receiver in the event any claim is made by any third party in respect of the aforesaid articles.

(v) The Court Receiver is permitted to open the seal on the flats for implementation of this order. After the order is implemented, the Court Receiver will re-seal the flats.

(vii) The Senior Inspector of Police of the Worli Police Station is directed to give necessary police protection to the Receiver or his representative. The

Senior Inspector of Police of the Worli Police Station will ensure that adequate number of Policemen are deputed to the site as and when require by the Receiver.

(viii) The Court Receiver will carry out the necessary repairs to the windows which are referred to in the report dated 18th August 2007 (Exh.B to the Court Receiver's Report No.272 of 2007). The Court Receiver will obtain necessary orders in that behalf by submitting a separate report.

(ix) The Court Receiver's Report No.272 of 2007 stands disposed of.

(x) The parties and the concerned Police Officer will act on an authenticated copy of this order.

Judge.